

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OSVALDO JIMENEZ CABRERA,

Plaintiff(s),

vs.

NEW ALBERTSON'S, INC.,

Defendant(s).

Case No. 2:13-cv-0056-LDG-NJK

ORDER SETTING ATTORNEY'S FEES

On May 14, 2013, the Court granted Defendant's motion to compel. Docket No. 14. As part of that order, the Court further granted Defendant's request for reasonable attorney's fees pursuant to Fed. R. Civ. P. 37(a)(5)(A). The Court ordered Defendant to submit a declaration outlining its fees incurred in bringing its motion to compel no later than May 21, 2013, and ordered Plaintiff to file any response no later than May 28, 2013. Docket No. 14. Although Defendant timely filed its declaration, Docket No. 15, Plaintiff failed to file any response. Accordingly, the Court deems Defendant's calculation of fees unopposed. *See* Local Rule 7-2(d). Moreover, as discussed below, the Court finds Defendant's calculation of fees proper.

Reasonable attorney's fees are generally based on the traditional "lodestar" method. Under the lodestar method, the Court determines a reasonable fee by multiplying "the number of hours reasonably expended on the litigation" by "a reasonable hourly rate." *See Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). The lodestar figure is presumptively reasonable. *Cunningham v. County of Los Angeles*,

1 879 F.2d 481, 489 (9th Cir. 1988).

2 Plaintiff does not dispute that the hourly rate of \$135 for Mr. Brown is reasonable and the
3 Court, based its familiarity with attorney rates in Las Vegas, concludes that the billing rate is
4 reasonable. With respect to the hours claimed, Plaintiff does not dispute that the 2.7 hours worked are
5 reasonable. The Court has reviewed the hours claimed and finds that they were reasonably expended.
6 Multiplying the rate and hours, the Court concludes that the fees payable shall be in the amount of
7 \$364.50.

8 Accordingly, the Court awards \$364.50 in attorney's fees to Defendant, payable by Plaintiff
9 within 7 days from the issuance of this order.

10 IT IS SO ORDERED.

11 DATED: May 30, 2013

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NANCY J. KOPPE
United States Magistrate Judge
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